

Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Graves:

S. B. No. 177, A bill to be entitled "An Act to amend Article 3118 of R. C. S. of 1925, Article 3134 of R. C. S. of 1925, and Article 3139, as amended by S. B. No. 60, Chapter 15, Acts of the First Called Session of the Fortieth Legislature, as amended by S. B. No. 153, Chapter 264, Acts of the Regular Session of the Forty-fifth Legislature, so as to provide for the equal representation of men and women on political party precinct, county and state conventions and executive committees; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Privileges and Elections.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 159 by a vote of 114 ayes and 1 nay.

I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 179 by a vote of 140 ayes and 0 nays.

Respectfully submitted,

E. R. LINDLEY, Chief Clerk,
House of Representatives.

Adjournment

On motion of Senator Van Zandt, the Senate, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m., next Monday, February 13, 1939.

TWENTIETH DAY

(Monday, February 13, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 9, 1939, was dispensed with and the Journal was approved.

(President Pro Tempore Moore in the Chair.)

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Roberts:

S. B. No. 178, A bill to be entitled "An Act providing that in all counties having a total population of not more than fifteen thousand, seven hundred and twenty-five (15,725) and not less than fifteen thousand, seven hundred and fifteen (15,715), according to the last preceding Federal Census, and at the same time in all counties having a scholastic population of not more than five thousand and fifteen (5,015) and not less than five thousand and thirteen (5,013) according to the scholastic census of 1938-1939, any elementary school dis-

trict in a grouped high school district may by majority vote of its people create an independent school district; providing a method of election therefor; and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Metcalfe:

S. B. No. 179, A bill to be entitled "An Act to amend Sections 13 and 15 of House Bill No. 749, Chapter 240, Acts of the Regular Session of the Forty-fourth Legislature, requiring distributors or dealers of motor fuel upon which a refund of the tax may be authorized to secure permit or license from the State Comptroller; providing for the control of invoices of exemption by the State Comptroller, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Kelley:

S. B. No. 180, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for the purpose of issuing bonds and maintaining the public schools in school districts in all counties which according to the last preceding Federal Census had a population of not fewer than 10,400 and not more than 10,700; repealing all laws in conflict herewith and declaring an emergency."

Referred to Committee on Education.

By Senator Kelley:

S. B. No. 181, A bill to be entitled "An Act amending Article 3726, Revised Civil Statutes 1925 as amended by H. B. No. 73, First Called Session, Fortieth Legislature, relating to the admission of recorded instruments without proof and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Van Zandt:

S. B. No. 182, A bill to be entitled "An Act amending Article 2870 of the Revised Civil Statutes of Texas of 1925; repealing Article 2876, Revised Civil Statutes of 1925, and all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Senator Van Zandt:

S. B. No. 183, A bill to be entitled "An Act amending Article 2673 of the Revised Civil Statutes of Texas of 1925 as amended by Chapter 278, Acts of the Regular Session of the Forty-first Legislature; repealing all laws and parts of laws in conflict herewith."

Referred to Committee on Education.

By Senator Graves:

S. B. No. 184, A bill to be entitled "An Act ratifying, confirming, and validating all acts and orders, and attempted acts and orders, of County School Trustees, Boards of County School Trustees, County Boards of Trustees, County Boards of School Trustees, Commissioners' Courts, Boards of Trustees of Common, Independent and County Line School Districts, and all elections and attempted elections of Common, Independent, and County Line School Districts, relating to the laying out, establishment, combining, abolishing, changing of boundaries, detaching territory from, or annexing territory to, any such school district except where contests of same may be pending at the time this Act becomes effective, and except where contests of same may be brought within six months after this act becomes effective; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Cotten and Senator Van Zandt:

S. B. No. 185, A bill to be entitled "An Act to extend to August 31, 1939, all provisions relative to the expenditure of funds already collected under the provisions of S. B. 47, Acts 1937, Forty-fifth Legislature, and declaring an emergency."

Referred to Committee on Education.

Senate Joint Resolution 10 on First Reading

The following joint resolution was introduced, read first time, and referred to the Committee on Constitutional Amendments:

By Senator Spears:

S. J. R. No. 10, Proposing to amend Article V, Section 18 of the Constitution of the State of Texas; by limit-

ing the number of Justices of the Peace and Constables of Precincts to three for each County; providing for an election upon such Constitutional Amendment and making an appropriation therefor.

Report of Standing Committee

Senator Roberts, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,
February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 178, A bill to be entitled "An Act providing that in all counties having a total population of not more than fifteen thousand, seven hundred and twenty-five (15,725) and not less than fifteen thousand, seven hundred and fifteen (15,715), according to the last preceding Federal Census, and at the same time in all counties having a scholastic population of not more than five thousand and fifteen (5,015) and not less than five thousand and thirteen (5,013) according to the scholastic census of 1938-1939, any elementary school district in a grouped high school district may by majority vote of its people create an independent school district; providing a method of election therefor; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Senate Concurrent Resolution 5

Senator Stone of Washington offered the following resolution:

Whereas, on March 1, 1836, a body of patriots assembled at old Washington-on-the-Brazos and on March 2nd, fifty-seven of them met in a blacksmith shop and signed that immortal document which declared our independence from Mexico, and

Whereas, Every citizen owes a debt to those inspired patriots that can never be paid, but we can all take

the time and every one should take the time on each anniversary of that day to assemble and pay tribute to those grand and glorious men and seek to instill into himself some of the patriotism, courage and wisdom that they individually and collectively possessed, and

Whereas, There can be no more appropriate place than on the spot where these men assembled, as which to gather and rededicate our lives to those great principles of freedom and democracy for which they were willing to give their lives, and

Whereas, The State of Texas has secured this historic spot and made a State Park of it, and

Whereas, The American Legion and other patriotic organizations will conduct appropriate exercises at this place on March 2nd, 1939; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That on March 1st, the House and the Senate adjourn or recess until March 3rd, 1939, and that both houses join with the American Legion and other patriotic organizations in the exercises on March 2nd, 1939 at old Washington-on-the-Brazos.

The resolution was read; and on motion of Senator Stone of Washington, and by unanimous consent, it was considered at this time and was adopted.

Senate Bill 96 on Second Reading

On motion of Senator Winfield, and by unanimous consent, Senate rule 31a was suspended to permit consideration of S. B. No. 96 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 96, A bill to be entitled "An Act amending Article 2350 of the Revised Statutes of the State of Texas, providing for the compensation of County Commissioners in any County where the population is less than 20,000 inhabitants and which has a tax valuation of not less than \$17,000,000 and not exceeding \$25,000,000 according to the last approved tax roll and with a total area of less than 950 square miles and not exceeding an area of 980 square miles, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 96 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 96 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Senate Bill 97 on Second Reading

On motion of Senator Winfield, and by unanimous consent, Senate rule 31a was suspended to permit consideration of S. B. No. 97 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 97, A bill to be entitled "An Act amending Article 3883 of the Revised Statutes of the State of Texas, providing for the maximum compensation of County officials in any County where the population is less than 20,000 inhabitants and which has a tax valuation of not less than \$17,000,000 and not exceeding \$25,000,000 according to the last approved tax roll and with a total area of not less than 950 square miles and not exceeding a square area of 980 square miles, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 97 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 97 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Head
Beck	Hill
Brownlee	Isbell
Burns	Kelley
Collie	Lanning
Cotten	Lemens
Graves	Martin
Hardin	Metcalf

Moffett	Stone
Moore	of Galveston
Nelson	Stone
Pace	of Washington
Redditt	Sulak
Roberts	Van Zandt
Shivers	Weinert
Small	Winfield
Spears	

Reports of Standing Committees

Senator Weinert, by unanimous consent, submitted at this time the following reports of the Committee on State Affairs:

Austin, Texas,
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 78, A bill to be entitled "An Act to create a Soldiers' and Sailors' Home in the State of Texas, providing that said home shall be operated in conjunction with the Confederate Home at Austin, Texas, and placing the operation thereof under the supervision of the State Board of Control; providing that inmates may be discharged for admission procured by fraud or misrepresentation and determining eligibility for admission; providing for deposit of pensions or other compensation received from the United States Government with Superintendent and determining expenditure thereof, and providing that wife of ex-service man may be admitted to residence, and where wife of ex-service man is admitted, then such pension or compensation received shall be deposited with Superintendent under rules and regulations promulgated by the State Board of Control for expenditure for her benefit, and providing further for the care and maintenance of inmates, and in the event of death of ex-service man, his widow may be transferred to Confederate Woman's Home at Austin, Texas, if she so desires or may remain in said Soldiers' and Sailors' Home; and providing that the Board of Control is authorized to receive donations in aid of such home, etc.; and providing that wherever practical ex-service men, their wives or dependents, shall be employed in the operation of said Home, and providing that Board of Control may negotiate with the Federal Govern-

ment for aid and assistance in support thereof and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 36, A bill to be entitled "An Act creating and establishing the State Board of Public Welfare; providing for its members to furnish bond; setting the compensation for each member; providing for the selection of an Executive Director; fixing the compensation and specifying the duties of the director; providing for the creation of the divisions of the State Department of Public Welfare; providing for assistance to the needy blind; providing for assistance to needy dependent children; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 15, A bill to be entitled "An Act to promote and make practical the conservation and timely utilization of the natural resources of the State, and to promote the civic, agricultural, forestry, industrial, and all other commercial industries and the general welfare of the citizens of this State, by creating a governmental agency to be known as the State Planning and Industrial Development Commission; providing that the Commission shall consist of nine (9) members, three (3) of whom shall be the State Highway Engineer, the Chairman of the Board of Water Engineers, and the Secretary of

State, respectively, of the State of Texas; and six (6) of whom shall be appointed by the Governor, one (1) of whom shall be experienced in agriculture, one (1) to represent labor, etc.; providing for the establishment, government, and procedures of the Commission; providing for the qualification of the members of the Commission, etc.; prescribing the rights, powers, functions, and duties of the Commission, etc.; declaring a legislative policy and intent; making an appropriation; providing a saving clause; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WEINERT, Chairman.

Austin, Texas,
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 16, A bill to be entitled "An Act amending Chapter 33, Acts of the Regular Session of the Forty-fourth Legislature of the State of Texas, approved March 16, 1935; providing that The Texas Planning Board, created by said Act, shall hereafter be known as the "State Planning and Industrial Development Commission;" providing that the Commission shall prepare and perfect a long term plan or program for the progressive development of the State, and to revise same from time to time, to accord with changed conditions; that it shall give due consideration to the proper conservation of the natural resources of the State, the most suitable uses therefor, and to the betterment of the social and economic condition of its people and industries; and providing that it shall make inquiries and surveys concerning the physical, social and economic resources and needs of the State; and to the problems of agriculture, industry, and population, and formulate plans and recommendations as to the development, utilization and preservation of the State's resources, which will be helpful to agriculture, etc.; that it shall prepare a program of State and National advertising of the civic, industrial and commercial opportunities, plans and recom-

mendations herein provided; etc.; providing that the Commission shall consist of nine (9) members, etc.; providing that the present members of The Texas Planning Board shall serve as members of the Commission until the expiration of their respective terms, unless sooner removed, etc.; providing for the appointment, etc., of members of the Commission; etc.; making an appropriation; providing a saving clause and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with Committee amendments with the recommendation that it do not pass.

WEINERT, Chairman.

Minority Report

Senator Van Zandt, by unanimous consent, submitted at this time the following minority report of a minority of the Committee on State Affairs:

Austin, Texas,
February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was reported

S. B. No. 16,

Have had the same under consideration and beg leave to report our recommendation that it do pass and be printed, and that this report be in lieu of the majority report unfavorably reporting said bill.

Respectfully submitted by the undersigned, having been present in the Committee at the time said bill was reported unfavorably.

VAN ZANDT,
COLLIE,
WEINERT.

Senator Van Zandt moved that the minority report on S. B. No. 16 be adopted in lieu of the majority report on the bill, and asked to have his motion spread on the Journal.

Senate Bill 134 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 134, A bill to be entitled "An Act validating and confirming the creation of the Junior College

District of Washington County; provided that the college located in said District shall be called Blinn College; providing for the election of the Board of Trustees of said District and prescribing their powers and duties; repealing all laws and parts of laws in conflict and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 134 on Third Reading

Senator Stone of Washington moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 134 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Beck	Metcalf
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	

Stone	Van Zandt
of Washington	Weinert
Sulak	Winfield

Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Sulak:

S. B. No. 186, A bill to be entitled "An Act to establish a definite policy of this State with reference to the operation of dams and reservoirs constructed by public authorities created by Acts of the Legislature pursuant to the provisions of Section 59 and Article 16 of the Constitution of the State of Texas; etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Sulak:

S. B. No. 187, A bill to be entitled "An Act providing that the salary and expenses of the official Court Reporter in each Judicial District in this State having four or more counties, and having a population in excess of 107,500 according to the latest or any future United States Census may, within the discretion of the Commissioners' Court, be paid out of the Jury Fund; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

Senate Bill 178 on Second Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 178 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Isbell
Beck	Kelley
Brownlee	Lanning
Burns	Lemens
Collie	Martin
Cotten	Metcalf
Graves	Moffett
Hardin	Moore
Head	Nelson
Hill	Pace

Redditt	Stone
Roberts	of Washington
Shivers	Sulak
Small	Van Zandt
Spears	Weinert
Stone	Winfield
of Galveston	

On motion of Senator Roberts, and by unanimous consent, Senate rules 31a and 48 were suspended, to permit consideration of the bill at this time.

The President Pro Tempore laid S. B. No. 178 before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 178 on Third Reading

The President Pro Tempore then laid S. B. No. 178 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Committee Substitute for Senate Joint Resolution 2 on Second Reading

The President Pro Tempore laid before the Senate for consideration at this time:

Committee Substitute for Senate Joint Resolution No. 2, Proposing an amendment to Section 4 of Article VI of the Constitution of the State of Texas, by providing that the Legislature shall provide by law for the annual registration of all voters.

The substitute resolution was read second time.

On motion of Senator Metcalfe, the substitute resolution was tabled subject to call.

Message from the Governor

Assistant Secretary Moore of the Governor's Office, appeared at the bar of the Senate, and being duly announced by the Doorkeeper, was recognized to present the following message from the Governor, which was read to the Senate:

Austin, Texas,
February 13, 1939.

To Members of the Forty-Sixth Legislature:

It seems to me that agriculture, livestock raising, fruit growing, and the conservation and reclamation of the land of the State as well as the conservation and restocking of the lands of the State with game, are all vital problems of State interest which could be more effectively handled if grouped under one single department in State Government.

The State Reclamation Engineer has as his duty selecting and defining areas of swamp land and overflow land which may be reclaimed, also making investigations designed to facilitate improvement of levees, drainage systems, and reservoirs designed to conserve the land. All of this work is very closely associated with the general problems of agriculture and proper investigations made by this department probably could and would from time to time point out areas in the State not definitely profitable for agriculture which could be very profitably utilized for game preserves.

This department received during the last biennium appropriations amounting to, in round figures, \$83,000.00.

The State Board of Water Engineers is likewise very closely associated with the general problems of agriculture and livestock raising. Under existing law, this department is directed to deal with the problem of the conservation of land, reclamation of land and drainage, all of which are vital to the agricultural and stock-raising interests of this State. For the last biennium there was appropriated for this department, in round figures, \$179,000.00.

The Livestock Sanitary Commission is composed of three members. The general duties of the Commission may be summarized as to protect domestic animals from infectious diseases and to enforce quarantine lines, to promulgate rules, etc., all of which directly affect the interests of every farmer in Texas who is in any sense engaged in the raising of livestock. For the year 1938 the Legislature appropriated \$635,000 for the maintenance and operation of the Livestock Sanitary Commission. During the past ten years the State has appropriated, in round, \$6,000,000 for the maintenance of this Commission.

The duties of the Game, Fish and Oyster Commission are, of course, well known, being to conserve game and fish within the State as well as along our coast line. Appropriations for this department during the current biennium amount to \$576,000.00.

I have not made a detailed study of the matter but based on the very limited study which I have made, it would seem that but little progress has been made in restocking the farms of this State with Game and in replenishing our streams and lakes with fish. It seems to me that it would be definitely profitable for the State to do more than it is doing to restock the farms of this State with game and to increase the supply of fish in the streams throughout the State. I believe that these purposes could be more effectively forwarded if we had a closer working relationship between the game department and the farmers of this State.

The Department of Agriculture received appropriations of approximately \$400,000 for the last biennium. The general duties of this department are, of course, well known and might be summarized in a general statement that its duties are to promote agriculture, horticulture and livestock raising.

Texas A. & M. College is charged with the responsibility of inspecting and testing feed stuffs offered for sale within the State. During the biennium 1937-1938, A. & M. College received from these fees approximately \$290,000.00. It seems to me that this is primarily a police duty of the State and should be performed by a State Department rather than an educational institution. I think it would be necessary to have the laboratory

work done, of course, at A. & M. College but the actual inspection and execution of the law controlling the sale of feeds within the State should be in the Department of Agriculture.

Of course, I realize that some arguments can be given for the maintenance of each of these various services as a separate board or bureau of the State Government, but I believe that sound business judgment dictates that the interest of the State would be served if the work of the State Board of Water Engineers, the State Reclamation Engineer, the Livestock Sanitary Commission, the Game, Fish and Oyster Commission and the work now being done by A. & M. College in inspecting feeds sold within the State, were all placed in one department to be known as the "Department of Agriculture and Livestock."

The Federal Government has found that the conservation of game and fish can very properly be handled under the general direction of the Department of Agriculture. There are many reasons why this is true. If we ever restock the farms of this State with game, if we ever restock the cattle ranches of this State with game, we are going to have to do it through the cooperation of the farmers and the livestock men. Certainly the work of the State Reclamation Engineer and the State Board of Water Engineers in planning the best means of utilizing swamp lands and in conserving surface water should be very closely coordinated with the work of the State Game, Fish and Oyster Commission in the creation of game preserves to provide a more abundant supply of game and fish and also to cooperate with the Federal Government in protection of migratory birds.

Certainly there is much argument in favor of the thought that the preservation and utilization of surface water as well as the underground water of this State, is a problem vitally associated with livestock raising and with agriculture. Certainly the building of terraces on the farms of this State and the building of reservoirs are a part of a general plan to develop agriculture and livestock raising. It is, therefore, my judgment that all of these functions should be placed in one department to be known as the "Department of Agriculture and Livestock." Of course, within this department it would be necessary to have a number of divisions each de-

signed to deal with these separate specialized activities, but having these divisions in one department would without question bring them closer together, make possible the elimination of duplication of effort and waste of expenditure and at the same time make it possible for each of these various divisions to cooperate more effectively to do the one big job, that of conserving and developing farming, livestock raising, fruit growing, maintenance and expansion of our water supply, the conservation of our game, and the rapid restocking of the farms of this State and the ranches of this State with game.

I believe that we should take action which will give farmers and stockmen of this State more recognition than they have had in the past in dealing with the general affairs of the State, and I believe that the development of a strong department, such as is herein recommended, would serve to accomplish this purpose. The Department of Agriculture and Stockraising needs to be just as close to the people as possible. In order to accomplish this, I most respectfully recommend to the Legislature that they give consideration to the enactment of a law which will bring all these various services into one department and provide in the law that the control of the Department of Agriculture and Livestock raising shall be vested in a Board to be composed of thirty-one (31) members, one member selected from each of the thirty-one (31) Senatorial Districts. The members of this Board could be elected by the people or appointed by the Governor. The duties of this Board should be to serve as a general policy determining board and among other duties, it should be the responsibility of this Board to select the Commissioner of Agriculture. The members of this Board should serve without pay except that of actual expenses incurred in attending meetings.

In my judgment, the law should be so drafted that only actual fruit growers, farmers or livestock raisers would be eligible for membership on the Board. In other words, I think the Board should be composed of real farmers, fruit growers, and stockmen and not of those who have retired and moved to the city. Such a law should provide for the present Commissioner of Agriculture to serve out the term for which he is elected

and should, of course, make him eligible for election by this Board if they should in the future deem it desirable.

I believe that the President of A. & M. College and the President of Texas Technological College at Lubbock, should be ex officio members of this Board because the success of the Board should be definitely dependent upon the very closest cooperation between the agricultural colleges of the State and the agricultural department of the State.

May I in this connection urge the fact that I believe the State is overlooking a tremendous opportunity by not adopting a more aggressive policy in the propagation and conservation of fish and game within this State. As I see it, if the State would work out a long range adequately financed plan to accomplish these purposes, it would yield a tremendous return on the investment. I believe that if the plan is worked out in cooperation with the farmers and stockmen of this State so that the work done will not be confined to isolated regions available to only a few of our citizens, substantial advantage will come to the State as a result of such efforts. I believe that such a plan can be made not only to increase the pleasure and enjoyment of our citizens generally but also that it can be made a major source of economic growth of the State. I see no reason why Texas could not within the next few years be made the leading State of the American Union along these lines and thereby attract at different seasons of the year thousands of visitors from other states who would be willing to pay substantial fees for the privileges which our State might have to offer.

If this consolidation of departments is made, I believe all of the money collected by the Game, Fish and Oyster Commission should be definitely earmarked for the purpose of replenishing and developing the game and fish within this State, and along with this there should be an increase in the fees charged for the privilege of hunting and fishing within this State and a very substantial increase in the fees charged out of State hunters and fishermen.

I have talked with many sportsmen and they have expressed to me the rather universal opinion that they would prefer to pay many times what they now pay for the privilege of

hunting and fishing if they had something to hunt and something to fish, rather than to pay the small fees they now pay for the privilege of exhausting themselves in the quest of fish and game when none can be found. Of course, the fees charged for hunting within the county of residence should be very small as compared with the fee charged for the privilege of hunting anywhere in the State. Certainly a fee of ten dollars (\$10) for the privilege of hunting anywhere in the State would not be excessive.

If the Legislature should deem it inadvisable to consolidate the Game, Fish and Oyster Department with a general Department of Agriculture, then in that event I would recommend that all of the measures herein suggested to improve this department be put into effect, and furthermore that all of the moneys collected by this department be set aside for the general purpose of expansion of the work of the Game, Fish and Oyster Commission but that it be expended only in response to legislative appropriations which would define the purposes of expenditure in such manner as to give the Legislature and the people a more definite knowledge of the work which this department of government does.

The Legislature may in its judgment determine that some one of the agencies which I have recommended be left as an independent agency and on the other hand, they may feel that further consolidation could be effected by the addition of other State services. I am not in any sense seeking to urge that this task be accomplished by following exactly the pattern which I have suggested, but rather I have suggested this pattern as a basis upon which to begin work designed to effect economy in the operation of the State Government and at the same time render a more efficient service to the citizenship of this State.

I am tremendously interested in seeing some plan worked out which will provide for these basic industries of our State, agriculture, fruit growing, and livestock raising, a more coordinated plan of effective development and I believe if such a plan is to be made effective, it must be accomplished by bringing together the farmers, stockmen, fruit growers and those of our citizens who are especially interested in developing the game and fish supply of our State, to the end that each of these may rec-

ognize that it will require the co-operation of all if the job is effectively accomplished, and to the end that something may be accomplished along this general line, I recommend this subject to the Legislature as emergency legislation and I believe if this problem is approached by all of our citizens in a cooperative spirit and not in a spirit of seeking to maintain and defend each of these governmental agencies as a separate entity, that definite improvement can be accomplished. Certainly I do not believe that the \$2,000,000 (millions) which the Legislature is appropriating each biennium for these separate agencies is accomplishing all that could be accomplished.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

Pending reading of the Message from the Governor, Senator Isbell occupied the Chair temporarily.

(President Pro Tempore in the Chair.)

Report of Standing Committee

Senator Spears, by unanimous consent, submitted at this time the following report of the Committee on Education:

Austin, Texas,
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Education, to whom was referred

S. B. No. 175, A bill to be entitled "An Act authorizing independent school districts to build or purchase buildings and grounds for the purpose of constructing gymnasias, stadia, other recreational facilities, and to encumber the same and the income thereof to secure the payment of the purchase price to evidence the indebtedness thereby the issuance of bonds, notes or other evidences of indebtedness; providing that the purchaser shall have a franchise to operate same in case of foreclosure; providing that such obligations shall never be a debt of such school district; providing that such projects shall be deemed self-liquidating in character; providing that repairs to such properties shall be a first lien; providing that the tolls, fees, and other charges made

for the use thereof shall be at a rate sufficient to pay the current interest and provide the necessary sinking fund thereof; providing the form of contract; bonds, or notes, and for the examination of bonds by the Attorney General and registration of same by the Comptroller; providing that no contract, bond or note, or other evidence of indebtedness authorized herein shall be issued under this Act after one (1) year from the effective date of this Act; providing that no land upon which is situated school improvements shall be subject to the indebtedness created hereunder; validating acts heretofore performed by school districts, and declaring an emergency.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

AIKIN, Chairman.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives.
Austin, Texas, February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 147, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by and means whatever any wild deer, buck, doe, fawn or wild turkey in Palo Pinto County for a period of four (4) years from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

H. B. No. 379, A bill to be entitled "An Act amending Section 1 of House Bill No. 1002, Chapter 363 of the Forty-fifth Legislature, Regular Session, 1937, relating to compensation of County Commissioners in certain counties, repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 432, A bill to be entitled "An Act to amend Section 1 of Ar-

ticle 952 of the Penal Code by adding thereto Wilson County, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Motion to Take up Senate Joint Resolution 3

Senator Moffett moved that the legislative rule adopted pursuant to Section 5 of Article III of the State Constitution, relative to the consideration of bills and resolutions during the first 60 days of the Regular Session of the Legislature, be suspended and that the following resolution be taken up for consideration at this time:

S. J. R. No. 3, Proposing to amend the Constitution of the State of Texas, by adopting a new section, which shall provide that the Court of Criminal Appeals of Texas, may sit at any time during the year for the transaction of business, and that its term shall begin and end with each calendar year; repealing existing provisions in conflict therewith; providing for the holding of an election; prescribing the form of ballot; directing the Governor to issue the necessary proclamation; and making an appropriation.

The motion was rejected by the following vote (not receiving the necessary four-fifths vote):

Yeas—21

Aikin	Redditt
Beck	Roberts
Brownlee	Small
Collie	Stone
Cotten	of Galveston
Head	Stone
Lanning	of Washington
Lemens	Sulak
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield
Nelson	

Nays—7

Burns	Kelley
Hardin	Shivers
Hill	Spears
Isbell	

Absent

Graves	Pace
Martin	

Senate Bill 109 on Engrossment

Senator Van Zandt, by unanimous consent, called from the table, on its passage to engrossment (the bill having been read second time and tabled subject to call on Thursday, February 9, 1939):

S. B. No. 109; A bill to be entitled "An Act declaring all motor vehicle registration or license plates to be the property of the State Highway Commission of Texas until duly or lawfully purchased for use upon a motor vehicle owned by the purchaser thereof; declaring it unlawful for any tax assessor-collector, tax collector or other officer to sell, transfer, convey or otherwise deliver any registration or license plate for any consideration other than the full value thereof paid in lawful money, except in certain cases; declaring that any violation of the provisions of this Act shall constitute a misdemeanor and prescribing a punishment upon conviction; declaring the terms of this Act to be severable; repealing all laws in conflict herewith; and declaring an emergency."

With the following amendments by Senator Van Zandt pending:

(1)

Amend the bill by striking out all after the enacting clause and inserting the following:

Sec. 1. That Section 1 of House Bill No. 6, Chapter 88, page 172, Acts Forty-first Legislature, Second Called Session, as amended by House Bill No. 32, Chapter 23, page 151, Acts Forty-first Legislature, Fifth Called Session, be amended so that the same shall read as follows:

"Section 1. Definition of Terms. The following words and terms, as used herein, have the meaning respectively ascribed to them in this Section, as follows:

(a) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway except devices moved only by human power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle" means every vehicle, as herein defined, that is self-propelled.

(c) "Motorcycle" means every motor vehicle designed to propel itself on not more than three wheels in contact with the ground.

(d) "Truck-tractor" means every motor vehicle designed or used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(e) "Farm-tractor" means every motor vehicle designed and used primarily as a farm implement for drawing other implements of husbandry.

(f) "Road-tractor" means every motor vehicle designed or used for drawing other vehicles or loads, and not so constructed as to carry a load independently or any part of the weight of the drawn load or vehicle.

(g) "Trailer" means every vehicle designed or used to carry its load wholly on its own structure and to be drawn by a motor vehicle.

(h) "Semi-trailer" means every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon or is carried by another vehicle.

(i) "Commercial motor vehicle" means any motor vehicle other than a motorcycle designed or used for the transportation of property, including every vehicle used for delivery purposes.

(j) "Passenger car" means any motor vehicle other than a motorcycle or a bus as defined in this Act designed or used primarily for the transportation of persons.

(k) "Department" means the State Highway Department, or its duly authorized officers or agents.

(l) "Owner" means any person, firm, association of persons or corporation holding the legal title to a motor vehicle.

(m) "Public highway" shall include any road, street, way, thoroughfare or bridge in this State not privately owned or controlled for the use of vehicles over which the State has legislative jurisdiction under its police power.

(n) "Motor bus" shall include every vehicle, except those operated by muscular power or exclusively on stationary rails or tracks, which is used in transporting persons between or through two or more incorporated cities and/or towns and/or villages for compensation (or hire), whether operated over fixed routes or otherwise; except such of said vehicles as are operated exclusively within the limits of incorporated cities and/or

towns or suburban additions to such towns.

(o) "Farm-trailer" means every "trailer" as defined in sub-section (g) herein designed and used primarily as a farm vehicle.

(p) "Farm - semi - trailer" means every semi-trailer as defined in sub-section (h) herein designed and used primarily as a farm vehicle.

(q) By "operated or moved temporarily upon the highways" is meant the operation or conveying between different farms, and the operation or conveyance from the owner's farm to the place where his farm produce is prepared for market or where same is actually marketed and return.

Sec. 2. That Section 2 of House Bill No. 6, Chapter 88, page 172, Acts Forty-first Legislature, Second Called Session, as amended by House Bill No. 32, Chapter 23, page 151, Acts Forty-first Legislature, Fifth Called Session, be amended so that the same shall hereafter read as follows:

"Section 2. Every owner of a motor vehicle, trailer or semi-trailer used or to be used upon the public highways of this State shall apply each year to the State Highway Department through the County Tax Collector of the county in which he resides for the registration of each such vehicle owned or controlled by him for the ensuing or current registration year or unexpired portion thereof; provided, however, that corporations, either foreign or domestic, authorized to do business in Texas, may register motor vehicles, trailers or semi-trailers owned by such corporations in the county in which the principal office of such corporation is maintained, or in any county in which such corporation has maintained a bona fide agency for at least six months immediately prior to such registration and in which it does regularly operate such motor vehicle, trailer or semi-trailer; provided further that owners of farm tractors, farm-trailers, farm-semi-trailers, and implements of husbandry operated or moved temporarily upon the highways shall not be required to register such farm-tractor, farm-trailers, farm-semi-trailers, or implements of husbandry; provided, however, that such farm-trailers and farm-semi-trailers are operated in conformity to all provisions of the law save and except the requirements as to regis-

tration and license; and providing further, that the exemptions as to registration and license; and providing further, that the exemptions of this Section shall not apply to any farm - trailer, or farm-semi-trailer when the gross weight exceeds 4,000 pounds; provided that no farm-trailer or farm-semi-trailer with metal tires shall be permitted to operate at a speed in excess of fifteen (15) miles per hour; and provided, further, that the exemptions of this section shall not apply to any farm-trailer or farm semi-trailer with steel tires of a width of less than three inches operating in excess of fifteen (15) miles per hour; and providing further, that the exemption in this Section shall not apply to any farm - trailer or farm-semi-trailer when the same is used for hire, provided, however, it shall be unlawful to operate any trailer or semi-trailer at night without a rear red light or reflector."

Sec. 3. That section 2a of House Bill No. 32, Chapter 23, page 151, Acts of Forty-first Legislature, Fifth Called Session, be and the same is hereby repealed.

Sec. 4. That House Bill No. 6, Chapter 88, page 172, Acts Forty-first Legislature, Second Called Session, as amended by House Bill No. 32, Chapter 23, page 151, Acts Forty-first Legislature, Fifth Called Session, be amended by adding between Section 2 and Section 3 of said Chapter 23 four new sections to be designated as Sections 2a, 2b, 2c, and 2d, and to read as follows:

"Section 2a. Every motor vehicle registration or license plate in the State of Texas is hereby declared to be the property of the State Highway Department of the State of Texas until duly and lawfully purchased by a person, firm, association or persons, or corporation to be used on his or its own motor vehicle, and it shall immediately become the duty of the Department of Public Safety upon receipt of notice from the State Highway Department giving the name and address of the person, license plate numbers, and a description of the motor vehicle for which the license plates were issued to repossess the license receipt and to seize and remove from such motor vehicle, wherever found, all license plates issued in violation of this provision, and to forthwith return such license plates and license receipt to the State High-

way Department at Austin, and no Tax Collector, Tax Assessor-Collector or other officer shall thereafter register any motor vehicle from which license plates have been removed by the Department of Public Safety, as above provided, except upon payment of the full year license fee provided herein plus any penalty which may be by law provided."

"Section 2b. It shall be unlawful for any Tax Assessor-Collector, Tax Collector or other officer charged with the duty of selling or distributing such registration or license plates under the laws of the State of Texas or for any other person to sell, exchange, transfer, convey or otherwise deliver any such registration or license plates to any person, firm, corporation or association of persons for any consideration other than the full value thereof as fixed by the law, paid in lawful money of the United States."

"Section 2c. Any Tax Assessor-Collector, Tax Collector or other officer charged with the duty of selling or distributing such registration or license plates under the laws of the State of Texas or any other person who shall sell, exchange, transfer, convey or otherwise deliver any such motor vehicle or license plates in violation of the provisions of this Act shall be guilty of unlawfully disposing of such registration or license plates and shall be guilty of a misdemeanor and upon conviction shall be fined a sum of not less than \$200.00 nor more than \$500.00 and each such sale of a license plate shall constitute a separate offense. Venue for the prosecution of any Tax Assessor-Collector, Tax Collector, officer or any other person for the violation of any of the provisions of this Act is hereby fixed in Travis County, Texas, in the proper Court having jurisdiction."

"Section 2d. Violation of any of the provisions of this Act by any Tax Assessor-Collector, Tax Collector or other officer charged with the duty of selling or distributing license plates under the laws of the State of Texas shall constitute official misconduct in office and shall be sufficient grounds for the removal of said officer from office as provided by law."

Sec. 5. If any section, subsection, paragraph, clause, or sentence of this Act for any reason be held invalid, such invalidity shall not affect the remaining portions of the Act, and the Legislature hereby de-

clares that it would have enacted such remaining portions of this Act despite such invalidity.

Sec. 6. All laws or part of laws in conflict herewith are hereby repealed.

Sec. 7. The repeal or amendment of all, or any part, of any law of this State by the enactment of this Act, shall not affect or impair any act done, or right vested or accrued, or any proceedings, suit, or transaction had or commenced in any cause before such repeal or amendment shall take effect; but from such act done, or right vested or accrued, or prosecution had or commenced, shall remain in full force and effect to all intents, as if such law, or part thereof, as repealed or amended, had remained in force. No offense committed and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time when any such law, or part thereof, shall be repealed or amended by this Act, shall be discharged or affected by such repeal or amendment, but prosecutions and suits for such offense, liabilities, penalties or forfeitures, shall be instituted and proceeded with in all respects, as if such prior law, or part thereof, had not been repealed or amended.

Sec. 8. The public importance of the purposes sought to be accomplished by this Act creates an emergency and an imperative public necessity requiring that the Constitutional Rule providing that bills shall be read in each house on three several days be, and the same is hereby suspended, and that this Act shall take effect upon the passage thereof, and it is so enacted.

(2)

Amend the bill by striking out all before the enacting clause and inserting in lieu thereof the following:

"A bill to be entitled, an Act to repeal Section 2a, House Bill No. 32, Chapter 23, page 151, Acts 41st Legislature, 5th Called Session, and to add new Sections to be known as Sections 2a, 2b, 2c, and 2d, and to amend Sections 1 and 2 of House Bill No. 6, Chapter 88, page 172, Acts of the 41st Legislature, 2nd Called Session, as amended by House Bill No. 32, Chapter 23, page 151, Acts of the 41st Legislature, 5th Called Session to provide a definition of "Owner"; providing that corporations author-

ized to do business in Texas may register their motor vehicles, trailers, or semi-trailers in the county in which the principal office of such corporation is maintained or in any county in which such corporation has maintained a bona fide agency for not less than six months immediately prior to registration, and in which it does regularly operate such motor vehicle; declaring all motor vehicle license plates to be the property of the State Highway Department until duly and lawfully purchased for use upon a motor vehicle owned by the purchaser thereof and requiring the Department of Public Safety to repossess the license receipts and seize and remove plates issued contrary to the provisions of this Act and providing the manner of registration of such vehicles from which plates have been removed; declaring it unlawful for any Tax Assessor-Collector, Tax Collector or other officer or any other person to sell, transfer, convey or otherwise deliver any registration or license plates for any consideration other than the full value thereof, paid in lawful money of the United States; declaring that any violation of the provisions of this Act shall constitute a misdemeanor, and prescribing the punishment therefor upon conviction, fixing venue of such prosecutions in Travis County, Texas; declaring the terms of this Act to be severable; repealing all laws in conflict; providing for the continuance of all prosecutions under prior law, and declaring an emergency.

The President Pro Tempore laid the bill, with the pending amendments, before the Senate.

Question—Shall the amendment (1) be adopted?

The amendment (1) was adopted.

Question—Shall the amendment (2) to the caption of the bill be adopted?

Bills and Resolutions Signed

The President Pro Tempore signed, in the presence of the Senate, after their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 316, "An Act validating the organization of Water Control and Improvement Districts

created by authority of Chapter 25, Acts of the Thirty-ninth Legislature, and amendments thereto in any county in the State of Texas having a population of not less than three thousand, seven hundred and fifty (3,750) and not more than three thousand, eight hundred (3,800), according to the last preceding Federal Census; and validating all acts of the officials in creating such Districts; and validating all bonds issued and all bonds voted but not yet issued by such districts; validating all acts of the officials of said District; and declaring an emergency."

H. B. No. 179, "An Act authorizing the Old Age Assistance Commission to pay interest on warrants issued against the Texas Old Age Assistance Fund; making appropriations therefor; restricting the total amount to be paid on account of any warrant issued for a given month; prescribing the powers and duties of certain State officials in reference thereto; prescribing the maximum rate of interest to be paid; providing that authority conferred in this Act shall not be limited by the provisions of Section 6 of Chapter 472, Acts of the Second Called Session of the Forty-fourth Legislature; providing for the payment of any warrants issued under the provisions of this Act; limiting the amount of warrants to be issued hereunder to not more than Nine Hundred Thousand (\$900,000.00) Dollars and further providing that no such warrants on which interest is to be paid shall be issued after September 1, 1939; making this Act cumulative of other laws by providing that it shall take precedence over any law conflicting herewith, and declaring an emergency."

H. B. No. 159, "An Act granting permission to A. B. Murdock to bring suit against the State of Texas and or Highway Department in a Court of competent jurisdiction, for damages resulting by reason of the Texas Highway Department withholding a certain sum as liquidated damages, which is due and owing to the said A. B. Murdock, for labor and material furnished in the building of Texas State Highway No. 34 in Tarrant County, Texas; providing that any judgment so recovered to be paid out of the funds of the Highway Department of the State

of Texas; providing that if any provision of this Act shall be invalid, the invalidity of the provisions thereof shall not be affected, and declaring an emergency."

H. B. No. 271, "An Act to fix the maximum rate of tax to be levied for school districts and/or independent consolidated school districts which include within their limits a city or town which according to the last preceding Federal Census had a population of not fewer than four thousand, one hundred and thirty (4,130) and not more than four thousand one hundred and eighty (4,180) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith; and declaring an emergency."

H. C. R. No. 34, Offering assistance to the Republic of Chile.

H. C. R. No. 33, Changing the date for the Honorable Nathan Straus to address a Joint Session of the House and Senate.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 150, A bill to be entitled "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated for the operation, support and maintenance, include salaries of the officers and employees, of the Big Spring State Hospital, Big Spring, Texas, until September 1, 1939; for equipment and installation of same in the seven buildings and the power plant of said Hospital; for the construction of a laundry and mattress factory and equipment therefor, for miscellaneous equipment and ground and other improvements for said Hospital; and declaring an emergency."

Respectfully submitted,
E. R. LINDLEY, Chief Clerk,
House of Representatives.

House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 147, to Committee on Game and Fish.

H. B. No. 379, to Committee on Counties and County Boundaries.

H. B. No. 432, to Committee on Game and Fish.

H. B. No. 150, to Committee on Finance.

Reports of Standing Committee

By unanimous consent, the following reports of the Committee on Game and Fish were submitted at this time:

Austin, Texas,
February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 386, A bill to be entitled "An Act providing a closed season for taking game fish on Caddo Lake; making certain exceptions; providing a suitable penalty for violation of any provision of this Act; repealing all conflicting laws; and declaring an emergency,"

Have had the same under consideration, and we wish to report is back to the Senate with the recommendation that it do pass with committee amendments and be not printed.

MOORE, Chairman.

Austin, Texas,
February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 351, A bill to be entitled "An Act to permit the taking of fish in public waters and streams in Erath and Hood Counties with certain exceptions; to permit the taking of minnows in certain cases; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 301, A bill to be entitled "An Act prohibiting the taking of fur-bearing animals in Shelby County; providing a suitable penalty for violation of this Act; repealing all laws or parts of laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
February 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 134, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare, or deadfall in Panola County for the purpose of taking any fur-bearing animals for a period of two (2) years; providing certain exceptions; repealing all laws in so far as they conflict with this Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Senate Bill 107 on Second Reading

Senator Kelley moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 107 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Cotten
Beck	Graves
Brownlee	Hardin
Burns	Head
Collie	Hill

Isbell	Shivers
Kelley	Small
Lanning	Spears
Lemens	Stone
Martin	of Galveston
Metcalfe	Stone
Moffett	of Washington
Moore	Sulak
Nelson	Van Zandt
Pace	Weinert
Redditt	Winfield
Roberts	

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 107, A bill to be entitled "An Act amending the Acts of 1931, Forty-second Legislature, page 450, Chapter 270, relating to the theft of citrus fruits, and declaring an emergency."

The bill was read second time.

Senator Kelley offered the following amendment to the bill:

Amend S. B. No. 107 by striking out Section 1 thereof and substituting in lieu thereof the following:

"Section 1. Any person who shall enter any citrus orchard or citrus grove in this State and steal or carry away, or aid or assist in stealing or so carrying away, or any person who shall enter any citrus orchard with the intent to steal or carry away, or with the intent to aid or assist in stealing, or so carrying away, without the consent of the owner, more than five bushels of any grapefruit, oranges, lemons, limes, or other citrus fruit, whether growing or gathered, shall be guilty of a felony. Whoever shall violate the provisions of this Act shall, upon conviction, be confined in the penitentiary for not more than ten (10) years, or shall be confined in jail for not more than one hundred (100) days, or shall be fined not more than Two Hundred (\$200.00) Dollars, or be punished by both such fine and imprisonment in jail; provided that if the amount of grapefruit, limes, lemons, oranges, or other citrus fruit stolen or carried away is less than five bushels, such persons shall be guilty of a misdemeanor, and fined not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00). It shall be prima facie evidence of intent to steal or carry away without the consent of the owner or to aid or assist in stealing or so carrying away such

property for any person, without the consent of the owner, and away from any established or customarily used gate or roadway, to enter with a truck, trailer, motor vehicle or other motor vehicle designed or used for transporting property, any such citrus orchard or citrus grove, or to so enter or be on, with or without any vehicle of transportation, such premises with any baskets, crates, hampers, sacks, or containers, capable of being used in transporting any such property, or in the night time to enter or be on such premises without the consent of the owner of any such grapefruit, oranges, lemons, limes or other citrus fruit, with any motor vehicle without lights fully lighted in accord with the laws of this State with respect to the operation of motor vehicles upon the public highways at night."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 107 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 107 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Moffett
Beck	Nelson
Brownlee	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Nays—5

Burns	Pace
Hill	Small
Moore	

Adjournment

On motion of Senator Redditt, the Senate, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,
February 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 53 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
February 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 90 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
February 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 168

carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 173 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 86 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 69 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 68 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
February 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 132 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 76 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

TWENTY-FIRST DAY

(Tuesday, February 14, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Spears:

S. B. No. 188, A bill to be entitled "An Act to authorize the State Treasurer and the State Comptroller to transfer certain moneys from the General Fund to the Settlement of